

COMMITTEE ON REAL ESTATE

April 11, 2017

A meeting of the Committee on Real Estate was held this date beginning at 4:11 p.m. at City Hall, First Floor Conference Room, 80 Broad Street.

Notice of this meeting was sent to all local news media.

PRESENT

Councilmember White, Chair, Councilmember Moody, Councilmember Waring and Mayor Tecklenburg
Staff: Collen Carducci, Frances Cantwell, Christopher Morgan, and Bethany Whitaker, Council Secretary

The meeting was opened with a moment of silence provided by Chairman White.

APPROVAL OF MINUTES

On the motion of Councilmember Moody, seconded by Councilmember Waring, the Committee voted unanimously to approve the minutes of the March 28, 2017 Committee on Real Estate Meeting.

REQUEST AUTHORIZATION OF THE MAYOR TO EXECUTE THE ATTACHED QUIT-CLAIM DEED (535 KING STREET; COLLINS COURT COMMON ALLEY) [ORDINANCE] THE PROPERTY IS OWNED BY THE CITY OF CHARLESTON. DAVID ABDO IS THE MEMBER OF NEW SKY, LLC.

Frances Cantwell said that both items had to do with quit-claim deeds and remnant pieces of property that were on the books, but didn't seem to have an owner. The first one was for what they called Collins Court. It showed up on a TMS map with no number, but they could see that it was a land-locked parcel between the two TMS #'s ending in 060 and 061. The title search showed the alley going all the way out to King Street. Dixie Furniture was on the south side of the extension. Their title search showed that they acquired that portion of the road and it had been part of their property for about 100 years. The City never had any interest in it, and the old plat that laid out the surrounding properties called this an access court. There were a number of private courts, where property would be laid out, and they would put an alley in for the benefit of the users that were around it. The owner of the piece to the south had requested the City to give him a quit-claim deed and she had said that she didn't think the City had any interest in it. He offered to pay, and that was why he offered to do the title search, and when it turned out the City didn't have ownership, they said they couldn't charge him for it. The request was for the City to execute a quit-claim deed, and Ms. Carducci was satisfied the City didn't own it.

Councilmember Moody mentioned Haynes Street and said that was right-of-way/easement and this was a private alley. Ms. Cantwell said this was a private alley, and there were a number of them. There was a restaurant on East Bay Street that was causing a lot of grief to its neighbors because of the outdoor dining. There was a private alley that ran behind townhouses on Wentworth Street, and the restaurant was using it for outdoor dining. This was not uncommon and it happened a lot. When she was a young lawyer, they tried a case trying to prove that a lane off Montague was a City street and it wasn't. They called it a City street, and named it, but when they went back and did the title it was platted to serve the lots that abutted it. It was called Wasbe Lane. Councilmember Moody said his question had to do with them charging for any of these quit-claim deeds where they gave up something to recover expense and

he asked if there was consideration. Ms. Cantwell said that they could charge for one, and they could charge to give a deed. It got tricky when it came to streets, because they would have to determine whether the City owned the underlying fee to the street. The City cannot prove ownership with many of the streets and most streets were laid out by way of easement. The highway department started taking fee to the streets in the 70's, but before then they did not know if it was a right-of-way by easement. Since Laura Cabiness had been with the City they received a deed for the new streets.

On the motion of Councilmember Waring, seconded by Councilmember Moody, the Committee voted unanimously to approve the request for authorization of the Mayor to execute the attached quit-claim deed.

REQUEST AUTHORIZATION OF THE MAYOR TO EXECUTE THE ATTACHED QUIT-CLAIM DEED (TMS: 458-05-03-108; NORTHEAST CORNER OF STATE AND CUMBERLAND STREETS) [ORDINANCE] THE PROPERTY IS OWNED BY THE CITY OF CHARLESTON. SHAREHOLDERS OF EAST BAY COMPANY, LTD ARE THE WILLIAM E. MURRAY REVOCABLE TRUST AND CATHERINE MURRAY SMITH.

Sid Boone represented the owner of this property that had been approved and would become an Inn. In his diligent title work he found a 299 square foot edge of a piece of property that he believed one of the South Carolina rails had crossed. The rail was either buried under the pavement, or it had been raised up. At an abundance of caution, he wanted to ask the City to quit-claim any interest that they may have had in that street. The City couldn't find that they ever did. At one point the City thought they owned a little alley-way and they had plans that they were going to spruce it up. Someone called and asked what the City was doing on their property. This was the same thing, but this is a very small piece. It's wide at that corner, and if you look at the sidewalk, it's almost like a ramp.

On the motion of Councilmember Moody, seconded by Councilmember Waring, the Committee voted unanimously to approve the request for authorization of the Mayor to execute the attached quit-claim deed.

CONSIDER THE FOLLOWING ANNEXATIONS:

- i. 2413 Spring Garden Street (TMS #: 309-14-00-039) 0.29 acre, West Ashley (District 7). The property is owned by Joyce H. Murray.
- ii. Vacant property on Brownswood Road (TMS #: 280-00-00-054) 0.13 acre, Johns Island (District 5). The property is owned by Phillip Simmons.
- iii. 822 Playground Road (TMS #: 418-05-00-302) 0.23 acre, West Ashley (District 7). The property is owned by Harriett S. Pinckney.

Christopher Morgan said that these were two residencies, and the one on Brownswood Road was a small piece of property surrounded by the City on three other sides.

On the motion of Councilmember Moody, seconded by Councilmember Waring, the Committee voted unanimously to approve the above annexations.

Having no further business, the Committee on Real Estate adjourned at 4:21 p.m.

Bethany Whitaker
Council Secretary